

Remarks

The Examiner has rejected claims 1-19 and 23-26 under 35 U.S.C. §103(a) as being unpatentable over the websites www.collectivedesign.scom ("CollectiveDesign") and www.choochoobuilditmart.com ("ChooChoo") and claims 20-22 over the website CollectiveDesign and the book "Managing Projects with Microsoft Project 4.0" by Glen Lowery ("Lowery"). Based on the foregoing Amendments and following Remarks, Applicants' invention is patentable over the cited art.

Applicants' invention is directed to a system for automating construction services. Independent claim 1 requires software executing on a computer for creating a home plan based on received responses to the transmitted queries. The received response is from a user and the software creates a home plan based on this user inputted information. Claims 12 and 23 require software executing on a computer for creating a modified home plan based upon received requests for modification. The received request is from a user and the software creates a modified home plan based on this user inputted information. Additionally, claims 1 and 23 require software executing on the computer for performing work package calculations, which are a breakdown of all components to design and construct a home (page 10, lines 17-20).

Neither CollectiveDesign nor ChooChoo discloses, teaches, or suggests software for creating a home plan or a modified home plan based upon received responses or requests from users. Also, neither reference discloses, teaches, or suggests software

executing on the computer for performing work package calculations, which are a breakdown of all components to design and construct a home.

CollectiveDesign relates to a website that provides a user with access to a database of home plans. The user may search for a plan by a variety of criteria, such as square footage, number of bedrooms, number of bathrooms, and other specifications. In response to the user submitted search criteria, the website sends any plan or plans matching the search criteria.

However, no home plans are created. The home plans sent to the user are not created in response to the search criteria. The home plans of CollectiveDesign were created before being stored on the database and are not created after receiving search criteria. Hence, these home plans on CollectiveDesign are not customized, as they are in Applicants' invention, where home plans are created in response to user inputted information.

Additionally, CollectiveDesign does not disclose, teach, or suggest software for performing work package calculations on the home plan to create a breakdown of all components to design and construct a home. No where does CollectiveDesign do any calculations whatsoever.

ChooChoo relates to website providing information about the company that a user can read. ChooChoo does not even permit a user with the ability to transmit search criteria. The website also does not transmit any information, nevermind performing any work package calculations. The website merely provides a user with

hypertext that, upon a user clicking on the hypertext, sends the user to a particular area of the website. ChooChoo provides a user with a hypertext to the company's email address so a user can email a request for a quote. However, software does not respond to this email. Rather a person must receive and respond to the email.

Both CollectiveDesign and ChooChoo are websites merely providing information for a user to access. Neither CollectiveDesign nor ChooChoo disclose, teach, or suggest software for creating a home plan or a modified home plan based upon received responses or requests from users. Also, neither reference discloses, teaches, or suggests software executing on the computer for performing work package calculations, which are a breakdown of all components to design and construct a home. CollectiveDesign, although being able to respond to a user response by sending a house plan, does not alter or create anything in response to user inputted information. The home plans on CollectiveDesign are created and stored on a database before a user makes a request. ChooChoo does not provide software with any ability to interact or respond to any response sent by a user. Neither reference discloses, teaches, or suggests performing any calculations, nevermind work package calculations.

Applicants submit that the combination of CollectiveDesign and ChooChoo does not render Applicants' invention unpatentable absent some modification to the references to meet the terms of Applicants' claims. In order for a reference to be properly modified under 35 U.S.C. §103(a), there must be some teaching or suggestion in the reference to make the suggested modifications in order to provide the motivation

for one skilled in the art to make these modifications. There is no teaching or suggestion in either CollectiveDesign or ChooChoo to provide software for creating a home plan or a modified home plan based upon received responses or requests from users and software for performing work package calculations.

Because the claimed elements of claims 1, 12, and 23 are not provided by the combination of CollectiveDesign and ChooChoo, and because there is no motivation to modify either of these references to provide Applicants' claimed invention, Applicants' invention is not obvious over CollectiveDesign and ChooChoo. Hence, there is no reason why one skilled in the art would modify CollectiveDesign or ChooChoo to arrive at the claimed invention absent having the current application.

Applicants' independent claim 20 requires, among other elements, the following: software for periodically examining the construction plan stored on a database, for determining if at least one of the construction steps is ready to occur based upon an indication of construction progress, and for creating and transmitting a notification to goods and services providers if at least one of the construction steps is ready to occur.

As mentioned above, CollectiveDesign does not provide a user with anything more than access to a database of house plans. CollectiveDesign does not, in response to any user submitted information, provide software for periodically examining the construction plan stored on a database, for determining if at least one of the construction steps is ready to occur based upon an indication of construction progress,

and for creating and transmitting a notification to goods and services providers if at least one of the construction steps is ready to occur.

Lowery relates to software for keeping track of project information. Lowery does not disclose, teach, or suggest, and the Examiner does not rely upon Lowery for, software for periodically examining the construction plan stored on a database, for determining if at least one of the construction steps is ready to occur based upon an indication of construction progress, and for creating and transmitting a notification to goods and services providers if at least one of the construction steps is ready to occur.

Applicants submit that the combination of CollectiveDesign and Lowery does not render Applicants' invention unpatentable absent some modification to the references to meet the terms of Applicants' claims. In order for a reference to be properly modified under 35 U.S.C. §103(a), there must be some teaching or suggestion in the reference to make the suggested modifications in order to provide the motivation for one skilled in the art to make these modifications.

There is no teaching or suggestion in either CollectiveDesign or Lowery to provide software for periodically examining the construction plan stored on a database, for determining if at least one of the construction steps is ready to occur based upon an indication of construction progress, and for creating and transmitting a notification to goods and services providers if at least one of the construction steps is ready to occur. Without the requisite teaching or suggestion to provide software for periodically examining the construction plan stored on a database, for determining if at least one of

the construction steps is ready to occur based upon an indication of construction progress, and for creating and transmitting a notification to goods and services providers if at least one of the construction steps is ready to occur, the references do not provide any reason or logic for such modifications. The person of ordinary skill in the art does not have the current application in front of him/her when considering such modifications. Hence, there is no reason why one skilled in the art would modify CollectiveDesign or Lowery to arrive at the claimed invention absent having the current application.

By the foregoing Remarks and Amendment, Applicants respectfully submit that all pending claims are in order for allowance.

Respectfully submitted,



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